

## REMARKS

Applicant sincerely appreciates the courtesy of the telephone interviews between the Examiner and the undersigned attorney on February 3 and 10, 2005. During these interviews we discussed (1) the construction of the pending claims that recite the transitional phrase “consisting of”, (2) the requirement of support in the original application for such a recitation and (3) the Claim Rejections Under 35 USC § 112. It is applicant’s understanding that claims reciting the transitional phrase “consisting of” are construed in accordance with MPEP § 2111.03.

Currently amended Claim 1 reciting the transitional phrase “consisting of” also was discussed during these interviews. It is applicant’s understanding (a) that such transitional phrase narrows the scope of Claim 1 to exclude those features of the device disclosed in the cited *Anderson et al.* reference that are not recited in Claim 1 and (b) that currently amended Claim 1 overcomes the rejection under 35 USC 112, second paragraph. No agreement was reached as to the allowability of any of the claims

Independent Claims 1, 10, 11, 18, 21 and 24 are amended to better particularly point out and distinctly claim the discrete access-prevention device recited therein and to overcome the Claim Rejections Under 35 USC § 112.

Support for recitation of the transitional phrase “consisting of” in the independent claims is set forth in the Drawing and the Detailed Description, wherein the access-prevention device is shown and described as a discrete device containing only the features recited in the respective independent claims following the transitional phrase “consisting of”. See the discrete devices 11, 11a, 11b and 37 shown in FIGS. 1, 2, 3, 4A and 4B and the description of these discrete devices at page 10, lines 7-23 and page 12, line 14 to page 14, line 5.

Claim 5, which was previously presented as an independent claim, is rewritten to depend upon Claim 4, which depends upon Claim 1.

Dependent Claims 15, 20, 23 and 26 are amended to recite that the remote-control device is wireless. Support for this recitation is set forth in the Drawing and the Detailed Description, wherein the remote-control device is shown and described as a remote-control device that is wireless. See FIGS. 6, 11, 13 and 15 and page 15, lines 4-18 and page 24, lines 4-5.

The Summary of the Invention portion of the Specification is amended to be consistent with the amended independent claims.

Applicant does not disclaim the subject matter of Claims 5, 6 and 11-26 as previously presented in the amendment filed July 30, 2004 and reserves the right to once again present such claims in one or more continuing and/or divisional applications.

***Claim Rejections - 35 USC § 112***

The rejection of Claims 1-4, 6-9 and 10 under 35 USC 112, second paragraph is met by the amendment of Claim 1-4 and 6-10.

The preamble of independent Claim 1 is amended to recite “A discrete access-prevention device for controlling communication-access ..., the discrete access-prevention device consisting of” instead of “An apparatus for controlling communication-access ..., the apparatus comprising a discrete access prevention device consisting of”.

Dependent Claims 2-4 are amended to recite that the elements respectively recited therein are recited as being “in combination” with the discrete access-prevention device instead of being elements that are further included in the “apparatus” that was previously recited in preamble of Claim 1.

Dependent Claim 6 is amended by changing “An apparatus” to “The combination of the discrete access-prevention device and the control device”.

Dependent Claims 7-9 are amended by changing “An apparatus” to “The discrete access-prevention device”.

The preamble of independent Claim 10 is amended by changing “An apparatus” to “A combination of a discrete access-prevention device and a control device”.

## *Claim Rejections - 35 USC § 102*

### Claims 1-4

To the extent that the rejection of Claims 1-4 under 35 USC 102(a) as being anticipated by *Anderson et al.* is applicable to currently amended Claims 1-4, such rejection is respectfully traversed for the following reasons:

The Key-View PC disclosed by *Anderson et al.* is not a discrete access-prevention device consisting of

- a first connector for connection to a given port,
- a second connector for connection to a network,
- electrically powered switching means connected in series between the first and second connectors and operable in response to a given control signal for preventing receipt by the first connector of any network communications from the second connector and/or for preventing receipt by the second connector of any network communications from the first connector, and
- a control terminal connected to the switching means for providing said given control signal to the switching means from an external source,

as recited in currently amended Claim 1. Instead, the Key-View PC is a discrete device that includes additional components for providing a myriad of additional functions not recited in Claim 1. Therefore, the Key-View PC is not a discrete access-prevention device consisting of the elements recited in currently amended Claim 1.

The discrete access-prevention device recited in Claim 1 is neither described nor suggested by *Anderson et al.*'s disclosure of the Key-View PC. Accordingly Claims 1-4 are patentable over *Anderson et al.*

In addition, Applicants respectively disagree the Examiner's assertion that the Key-View PC is a control terminal in the same (or an equivalent) sense as the control terminal recited in Claim 1, for which the only support in the present application is control terminal 29.

Furthermore, the discrete access-prevention device recited in Claim 1 would not have been suggested by *Anderson et al.* to a person of ordinary skill in the art because (1) the primary thrust of *Anderson et al.*'s teaching is the enabling of remote access between a given network-connected computer and another computer within the network rather

than the selective prevention of such access, as provided by the present invention, and (2) *Anderson et al.* do not suggest any motivation for providing the simple discrete access-prevention device recited in Claim 1.

### ***Claim Rejections - 35 USC 103***

#### **Claims 5-9**

To the extent that the rejection of Claims 5-9 under 35 USC 103(a) as being obvious over *Anderson et al.* and *Thacker* is applicable to currently amended Claims 5-9, such rejection is respectfully traversed for the following reasons:

The inventions recited in currently amended dependent Claims 5-9 are patentable over *Anderson et al.* and *Thacker* for the same reasons as submitted above for the patentability of Claims 1-4.

#### **Claim 10**

Claim 10 is amended to recite only the discrete access-prevention device shown in FIGS 4A and 4B and described at page 12, line 14 to page 14, line 5.

To the extent that the rejection of Claim 10 under 35 USC 103(a) as being obvious over *Anderson et al.* in view of *Thacker* is applicable to currently amended Claim 10, such rejection is respectfully traversed for the following reasons:

The Key-View PC disclosed by *Anderson et al.* is not a discrete access-prevention device consisting of

- a first connector for connection to a given port,
- a second connector for connection to a network, and
- switching means connected in series between the first and second connectors and operable in response to a given control signal for preventing receipt by the first connector of any network communications from the second connector and/or for preventing receipt by the second connector of any network communications from the first connector,

as recited in currently amended independent Claim 10. Instead, the Key-View PC is a discrete device that includes additional components for providing a myriad of additional functions that are not recited in Claim 10 as being functions of the recited components of

the discrete access-prevention device. Therefore Key-View PC is not a discrete access-prevention device consisting of the elements recited in currently amended Claim 10.

The discrete access-prevention device recited in independent Claim 10 is neither described nor suggested by *Anderson et al.*'s description of the Key-View PC. Accordingly Claim 10 is patentable over *Anderson et al.*

#### Claims 11-26

To the extent that the rejection of Claims 11-26 under 35 USC 103(a) as being obvious over *Anderson et al.* in view of *Thacker* is applicable to currently amended Claims 11-26, such rejection is respectfully traversed for the following reasons:

The Key-View PC disclosed by *Anderson et al.* is not a discrete access-prevention device consisting of

- a first connector for connection to a given port,
- a second connector for connection to a network,
- electrically powered switching means connected in series between the first and second connectors and operable in response to a given control signal for preventing receipt by the first connector of any network communications from the second connector and/or for preventing receipt by the second connector of any network communications from the first connector, and
- a control terminal connected to the switching means for providing said given control signal to the switching means from an external source,

as recited in currently amended independent Claims 11, 18, 21 and 24. Instead, the Key-View PC is a discrete device that includes additional components for providing a myriad of additional functions that are not recited in Claims 11, 18, 21 and 24 as being functions of the recited components of the discrete access-prevention device. Therefore Key-View PC is not a discrete access-prevention device consisting of the elements recited in currently amended Claims 11, 18, 21 and 24.

The discrete access-prevention device recited in independent Claims 11, 18, 21 and 24 is neither described nor suggested by *Anderson et al.*'s description of the Key-View PC. Accordingly Claims 11-26 are patentable over *Anderson et al.*

### Claims 5-26

The reasons for rejecting 5-26 under 35 USC 103(a) as being unpatentable over *Anderson et al.* in view of *Thacker* that were set forth in the Office Action mailed January 21, 2005 were the same reasons as set forth for rejecting these claims in the prior Office Action mailed July 2, 2004. In the Office Action mailed November 24, 2004, the Examiner also responded to the arguments made by Applicants in the Amendment filed July 30, 2004 in response to the Office Action of July 2, 2004. Notwithstanding the Examiner's response to such arguments, Applicants stand by such arguments and do not agree with the Examiner's assertions that the various combinations of features recited in the rejected claims would have been unpatentable over *Anderson et al.* in view of *Thacker*.

In addition, with regard to the Examiner's assertion in paragraph 8 of the Response to Arguments portion of the Office Action mailed January 21, 2005, Applicants do not understand how the Examiner can assert that a cubical workstation is a computer chassis.

### ***Conclusion***

Entry of this Amendment After Final Rejection is respectfully requested because this Amendment places the application in condition for allowance.

This Amendment After Final Rejection does not raise any new issues and does not require any additional searching on the part of the Examiner because the changes to the independent claims all narrow these claims by reciting a discrete access-prevention device that includes only the components respectively recited therein following the transitional phrase "consisting of" or "consists of".

Reconsideration and allowance are respectfully requested.

Respectfully submitted,

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Edward W. Callan  
Attorney for Applicants  
Attorney Registration No. 24,720

Customer No. 22653  
Telephone: (858) 259-5533  
Facsimile: (858) 259-5537  
Email: [ecallan1@san.rr.com](mailto:ecallan1@san.rr.com)